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Paper No. 43

MERCHANT & GOULD PC
PO BOX 2903
MINNEAPOLIS MN 55402-0903

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SEP 08 2003

OFFICE OF PETITIONS

In re Application of
Yoshimura, et al.
Application No. 07/330,446
Filed: March 30, 1989
Attorney Docket No. 1173145P

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DECISION ON PETITION

This is a decision on paper titled "Request for Remailing of Office Action", filed March 22, 2002, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

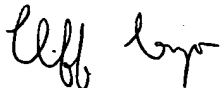
The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed September 28, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 29, 2000. A Notice of Abandonment was mailed on May 8, 2001.

Petitioner argues that the September 28, 2000 Office action was mailed to the incorrect address. The application file reveals that a Revocation and Power of Attorney was filed with a Certificate of Mailing on June 19, 1997. In addition, a Change of Correspondence Address was filed on August 28, 2000, directing the Office to forward correspondence to Merchant & Gould at P.O. Box 2903, Minneapolis, MN 55402-2903. However, the Change of Correspondence Address was not entered and the September 28, 2000 Office action was mailed to a prior address of record.

In view thereof, **the holding of abandonment is withdrawn.**

The application file is being forwarded to Technology Center 1600 for remailing of the September 28, 2000 Office action, setting a new period for reply.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions